

**Declaration for Patent Application**

Docket Number: 2335.0040001/SRL/KPQ

As a below named inventor, I hereby declare that:

My residence, mailing address and citizenship are as stated below next to my name.

I believe I am an original, first and joint inventor of the subject matter that is claimed and for which a patent is sought on the invention entitled **Diagnostic and Therapeutic Use of TB2 Gene and Protein for Neurodegenerative Diseases**, the specification of which is attached hereto unless the following box is checked:

☒ was filed on July 4, 2003;  
as United States Application Number or PCT International Application Number PCT/EP03/07173; and  
was amended on \_\_\_\_\_.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information that is material to patentability as defined in 37 C.F.R. § 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or (f) or § 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or § 365(a) of any PCT international application, which designated at least one country other than the United States of America, listed below, and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Applications(s):

Priority Claimed

<u>02015063.7</u> (Application No.)	<u>EP</u> (Country)	<u>05 July 2002</u> (Day/Month/Year Filed)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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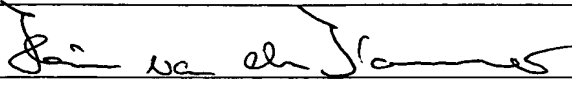
STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.  
1100 New York Avenue, N.W.  
Washington, D.C. 20005-3934

Direct Telephone Calls to:

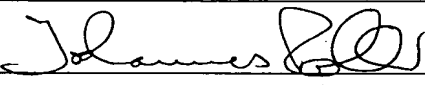
(202) 371-2600

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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Full name of first Inventor:	<u>Heinz VON DER KAMMER</u>
Signature of <sup>first</sup> <del>second</del> Inventor:	<u></u> Date: <u>15/03/2005</u> <i>Hulk</i>
Residence:	<u>Hamburg, Germany</u> <b>DEX</b>
Citizenship:	German
Mailing Address:	Verbindungsstr. 6d Hamburg, Germany 22607

200

Full name of second Inventor:	<u>Johannes POHLNER</u>
Signature of <sup>second</sup> <del>fourth</del> Inventor:	<u></u> Date: <u>15/03/2005</u> <i>JP</i>
Residence:	<u>Hamburg, Germany</u> <b>DEX</b>
Citizenship:	German
Mailing Address:	Quittenweg 11 Hamburg, Germany 22175

350300-1

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POWER OF ATTORNEY FROM ASSIGNEE WITH DELEGATION

5R  
Reg'd 9/13/05  
Evotec Neurosciences GmbH, a corporation of Germany, having a principal place of business at Schnackenburgallee 114, Hamburg, Germany 22525, is assignee of the entire right, title, and interest for the United States of America (as defined in 35 U.S.C. §100), by reason of an Assignment to the Assignee executed on 1) 3/15/05 2) 3/15/05 of an invention known as **Diagnostic and Therapeutic Use of TB2 Gene and Protein for Neurodegenerative Diseases** (Attorney Docket No. 2335.0040001/SRL/KPQ), that is disclosed and claimed in a patent application of the same title by the inventors Heinz VON DER KAMMER, and Johannes POHLNER (said application filed at the U.S. Patent and Trademark Office as U.S. national phase of PCT/EP03/07173, international filing date July 4, 2003).

For the purpose of PAIR, the Customer Number is 26111.

The Assignee hereby appoints the U.S. attorneys associated with CUSTOMER NUMBER 28393 to prosecute this application and any continuation, divisional, continuation-in-part, or reissue application thereof, and to transact all business in the U.S. Patent and Trademark Office connected therewith. The Assignee hereby grants said attorneys associated with Customer Number 28393 the power to insert on this Power of Attorney any further identification that may be necessary or desirable in order to comply with the rules of the U.S. Patent and Trademark Office.

The Assignee hereby authorizes the U.S. attorneys named herein to accept and follow instructions from von Kreisler Selting Werner as to any action to be taken in the U.S. Patent and Trademark Office regarding this application without direct communication between the U.S. attorneys and the Assignee. In the event of a change in the persons from whom instructions may be taken, the U.S. attorneys named herein will be so notified by the Assignee.

Send correspondence to:

Customer Number 26111  
STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.  
1100 New York Avenue, N.W.  
Washington, D.C. 20005-3934  
U.S.A.

Direct phone calls to 202-371-2600.

FOR: Evotec Neurosciences GmbH  
SIGNATURE: Johannes Pohlner  
BY: JOHANNES POHLNER  
TITLE: MANAGING DIRECTOR  
DATE: 16 March 2005

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**STATEMENT UNDER 37 CFR 3.73(b)**

2335.0040001/SRL/KPQ

Applicant/Patent Owner: Heinz VON DER KAMMER and Johannes POHLNER

Application No./Patent No.: PCT/EP03/07173 Filed/Issue Date: I.A. Filing Date July 4, 2003

Entitled: Diagnostic And Therapeutic Use Of TB2 Gene And Protein For Neurodegenerative Diseases

Evotec Neurosciences GmbH, a Corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.  
The extent (by percentage) of its ownership interest is \_\_\_\_\_ %

in the patent application/patent identified above by virtue of either:

A ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

B ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
2. From: \_\_\_\_\_ To: \_\_\_\_\_  
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☐ Additional documents in the chain of title are listed on a supplemental sheet.

☒ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Johannes Pohlner  
Signature

JOHANNES POHLNER

Printed or Typed Name

MANAGING DIRECTOR

Title

16 March 2005

Date

0049-40-560810

Telephone Number

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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ASSIGNMENT

In consideration of the sum of One Dollar (\$1.00) or equivalent and other good and valuable consideration paid to each of the undersigned inventors: **Heinz VON DER KAMMER, and Johannes POHLNER**, hereby sells and assigns to **Evotec Neurosciences GmbH**, a corporation formed under the laws of Germany, whose mailing address is Schnackenburgallee 114, Hamburg, Germany 22525 (hereafter referred to as the Assignee), their entire right, title and interest, including the right to sue for past infringement and to collect for all past, present and future damages, for the United States of America (as defined in 35 U.S.C. § 100) and throughout the world,

(a) in the invention(s) known as **Diagnostic and Therapeutic Use of TB2 Gene and Protein for Neurodegenerative Diseases** for which application(s) for patent in the United States of America was filed as U.S. national phase of PCT/EP03/07173, international filing date July 4, 2003, in any and all applications thereon, in any and all Letters Patent(s) therefor, and

(b) in any and all applications that claim the benefit of the patent application listed above in part (a), including non-provisional applications, continuing (continuation, divisional, or continuation-in-part) applications, reissues, extensions, renewals and reexaminations of the patent application or Letters Patent therefor listed above in part (a), to the full extent of the term or terms for which Letters Patents issue, and

(c) in any and all inventions described in the patent application listed above in part (a), and in any and all forms of intellectual and industrial property protection derivable from such patent application, and that are derivable from any and all continuing applications, reissues, extensions, renewals and reexaminations of such patent application, including, without limitation, patents, applications, utility models, inventor's certificates, and designs together with the right to file applications therefor; and including the right to claim the same priority rights from any previously filed applications under the International Agreement for the Protection of Industrial Property, or any other international agreement, or the domestic laws of the country in which any such application is filed, as may be applicable;

all such rights, title and interest to be held and enjoyed by the above-named Assignee, its successors, legal representatives and assigns to the same extent as all such rights, title and interest would have been held and enjoyed by the Assignor had this assignment and sale not been made.

The undersigned inventors agree to execute all papers necessary in connection with the application(s) and any non-provisional, continuing (continuation, divisional, or continuation-in-part), reissue, reexamination or corresponding application(s) thereof and also to execute separate assignments in connection with such application(s) as the Assignee may deem necessary or expedient.

The undersigned inventors agree to execute all papers necessary in connection with any interference or patent enforcement action (judicial or otherwise) related to the application(s) or any non-provisional, continuing (continuation, divisional, or continuation-in-part), reissue or reexamination application(s) thereof and to cooperate with the Assignee in every way possible in obtaining evidence and going forward with such interference or patent enforcement action.

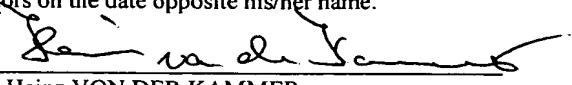
The undersigned inventors hereby represent that he/she has full right to convey the entire interest herein assigned, and that he/she has not executed, and will not execute, any agreement in conflict therewith.

The undersigned inventors hereby grant Robert Greene Sterne, Esq., Registration No. 28,912; Edward J. Kessler, Esq., Registration No. 25,688; Jorge A. Goldstein, Esq., Registration No. 29,021; David K.S. Cornwell, Esq., Registration No. 31,944; Robert W. Esmond, Esq., Registration No. 32,893; Tracy-Gene G. Durkin, Esq., Registration No. 32,831; Michele A. Cimbala, Esq., Registration No. 33,851; Michael B. Ray, Esq., Registration No. 33,997; Robert E. Sokohl, Esq., Registration No. 36,013; Eric K. Steffe, Esq., Registration No. 36,688; Michael Q. Lee, Esq., Registration No. 35,239; Steven R. Ludwig, Esq., Registration No. 36,203; John M. Covert, Esq., Registration No. 38,759; Linda E. Alcorn, Esq., Registration No. 39,588; Lawrence B. Bugaisky, Esq., Registration No. 35,086; Donald J. Featherstone, Esq., Registration No. 33,876; Robert C. Millonig, Esq., Registration No. 34,395; Michael V. Messinger, Esq., Registration No. 37,575; Judith U. Kim, Esq., Registration No. 40,679; Timothy J. Shea, Jr., Esq., Registration No. 41,306; Patrick E. Garrett, Esq., Registration No. 39,987; all of STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C., 1100 New York Avenue, N.W., Washington, D.C. 20005-3934, power to insert in this assignment any further identification that may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document.

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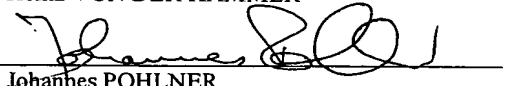
IN WITNESS WHEREOF, executed by the undersigned inventors on the date opposite his/her name.

Date: 15 March 2005

Signature of Inventor: 

Heinz VON DER KAMMER

Date: 15 March 2005

Signature of Inventor: 

Johannes POHLNER

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